

March 7, 1980

LB 782

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is 782.

CLERK: Mr. President, LB 782 was introduced by Senator Johnson. (Read title.) The bill was read on January 16. It was referred to the Judiciary. It was advanced to General File. There are no amendments.

SENATOR JOHNSON: Mr. Speaker, members of the body, this is a relatively simple bill treating a very difficult issue and the difficult issue of course are the rights of the individual to personal privacy as opposed to the rights of the public to have some meaningful information about an individual. I have spoken on the floor before about arrest records and have discussed when in the eyes of some persons, arrest records should be sealed from public view and when not. During the past summer the Judiciary Committee conducted a study on arrest records and one of the results of that study was LB 782. This bill is a bill that has been agreed to by the Nebraska Civil Liberties Union and the Media Association of Nebraska. Very simply, what it does is this, it changes existing law in this particular. Right now if an individual is arrested and somebody decides, the prosecuting attorney decides or the police department decides not to pursue the arrest with a formal prosecution, that arrest record is always available to the public. That arrest record is always available to the public. The decision not to prosecute is known as a disposition and because that arrest record will, in effect, have been followed by a disposition, i.e. the decision not to prosecute, that arrest record will always be available to the public even though the individual may have been totally innocent and so on and so forth. What this bill does is it just says simply with respect to those kinds of arrest records, after one year they shall not be available to the public. They are always available to the police department. They are always in the computer files and in the banks and so on and so forth but they are no longer available to the public. Now there are even right now in existing law there are three exceptions as to when those arrest records are available to the public. First, when the individual is a subject of prosecution, is currently the subject of prosecution. Second, when the individual is an announced candidate for public office. Third, when the individual himself or herself requests the record. In addition the bill provides that these kinds of arrest records without the names or identifying characteristics of the arrestees shown can still be obtained as part of an overall study on the subject of arrests by police departments. One of the things that clearly does happen